

Portugal

Section 1. Respect for the Integrity of the Person, Including Freedom from:

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law presumes all defendants innocent and provides the right to be informed promptly and in detail of the charges (with free interpretation when necessary). Trials are public and fair. Authorities must bring a suspect in investigative detention to trial within 14 months of being charged formally. If a suspect is not in detention, the law specifies no deadline for going to trial. Jury trials are rare in criminal cases. When the crime is punishable by a prison sentence whose maximum limit is more than eight years, either the public prosecutor or the defendant may request a jury trial. Juries consist of three judges and four public members.

Defendants have the right to be present at their trial and to consult upon arrest with an attorney provided at government expense if necessary. Defendants have adequate time and facilities to prepare their defense. They have access to government-held evidence, may confront and question witnesses against them, and present witnesses and evidence on their own behalf.

Defendants cannot be compelled to testify or confess guilt. Those convicted have the right of appeal. The law extends these rights to all citizens and foreign residents.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Citizens, foreign residents, and organizations have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and they may appeal decisions to the European Court of Human Rights. Besides judicial remedies, administrative recourse exists for alleged wrongs. The government complied with rulings against it in domestic judicial and administrative fora.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, sexual orientation, language, and social status, and

the government effectively enforced these prohibitions. The law does not expressly make racist motivation an aggravating circumstance for all offenses. The procedure to file a complaint of racial discrimination continued to be lengthy and complicated. The current complaints system against police officers concerning racist or racially discriminatory acts was not functional, and there was serious underreporting.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and the law prohibit discrimination based on sexual orientation and gender identity. The law bars lesbian, gay, bisexual, and transgender couples and single women from receiving medically assisted reproductive health care from government-funded health-care providers.

Section 7. Worker Rights

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination in employment or occupation regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations. Discrimination in employment and occupation occurred with regard to gender (see section 6).